REMARKS

Applicant is in receipt of the Office Action mailed July 5, 2007. Claims 2, 3, 5, and 7 have been cancelled. Claims 1, 4, 6, 14-20, 24, and 28 have been amended. Claims 1, 4, 6, and 8-30 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Section 112 Rejections

Claims 11-12, 22-23, and 26-27 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite, specifically, for use of the terms "IrDA" and "Bluetooth" in the claims.

Applicant respectfully submits that these terms refer to established standards and protocols, and that Applicant intends the scope of these claims to be precisely that indicated by these terms, i.e., the more general "wireless serial link" of claim 9 is further limited in claim 12 to wireless serial links in accordance with the Bluetooth or 802.11 standards and protocols, and the more general "infrared serial link" of claim 10 is further limited in claim 10 to infrared serial links in accordance with the IrDA standard. Applicant respectfully submits that to the degree that these standards and protocols are clearly defined, the respective scopes of these dependent claims are similarly well-defined. Similar arguments apply to claims 22-23, and 26-27. Removal of the section 112 rejection of these claims is earnestly requested.

However, if the Examiner does not find the above arguments persuasive, Applicant respectfully submits that upon allowance of the independent claims, Applicant would consider cancelling these dependent claims.

Section 101 Rejections

Claim 28 was rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter, specifically, for being directed to a "medium". Applicant has amended claim 28 to refer to the statutory "computer-accessible memory medium" instead, and respectfully requests removal of the section 101 rejection of claim 28.

Section 102 Rejections

Claims 1-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Kodosky (U.S. Patent No. 6,173,438 B1).

Applicant has amended claim 1 as indicated above, and respectfully submits that claim 1 is patentably distinct over Kodosky.

Amended claim 1 recites:

1.   A computer-implemented method for programming an embedded sensor device, the method comprising,

creating a graphical program, wherein the graphical program specifies a function to be performed by the embedded sensor device, wherein the embedded sensor device comprises one or more sensors, and wherein the embedded sensor device does not include a display;

storing the graphical program on a personal digital assistant (PDA); and

transmitting the graphical program from the PDA to the embedded sensor device over a serial link;

wherein after said transmitting, the embedded sensor device is operable to execute the graphical program to perform the specified function.

For example, nowhere does Kodosky teach or suggest, or even mention, a personal digital assistant (PDA). Nor does Kodosky disclose an embedded sensor device that includes one or more sensors.

In arguments directed to originally-filed dependent claims 2 and 3 (whose subject matter is substantially included in amended claim 1), the Office Action asserts that Kodosky's DAQ logic inherently includes sensors. Applicant respectfully submits that this is incorrect. While DAQ logic, which Kodosky generally describes as a DAQ card, specifically, a DAQ expansion card, may certainly be coupled to a sensor, it is not the case that a DAQ card, or DAQ logic in general, inherently includes a sensor onboard. Moreover, Kodosky nowhere describes that the DAQ card/logic includes a sensor. Applicant respectfully submits that cited col.23:16-22, col.11:60, and Figure 3A nowhere describe, illustrate, or even mention a sensor included in an embedded device, e.g., included in a DAQ card or DAQ logic, nor any kind of sensor at all.

Thus, Kodosky fails to disclose these features and limitations of claim 1.

Thus, for at least these reasons, Applicant submits that claim 1, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Independent claims 28 and 29 each includes similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the above reasons, Applicant submits that claims 28 and 29, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Independent claim 30 is directed to a personal digital assistant configured to perform similar functionality as the PDA of claim 1. As noted above, Kodosky fails to disclose a PDA at all, and so does not, and cannot, teach the features and limitations of claim 30. Thus, for at least these reasons, Applicant submits that claim 30, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Removal of the section 102(b) rejection of claims 1, 4, 6, and 8-30 is respectfully requested.

Section 103 Rejections

Claims 2-7, 9-12, 14-15, 17, 20-27, and 29-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky. Claims 2-3, 5, and 7 have been cancelled, rendering their rejections moot.

Applicant respectfully submits that since the independent claims were shown above to be patentably distinct and non-obvious over Kodosky, their respective dependent claims are similarly patentably distinct and non-obvious, and thus allowable, for at least the reasons presented above.

Moreover, Applicant respectfully submits that various of the rejected dependent claims include further novel limitations over the cited art of Kodosky.

For example, the Kodosky fails to disclose **transmitting the flatfile to the embedded sensor device over the serial link**, as recited in claim 14.

Applicant has reviewed cited col.23:16-23, col.8:1-15, and Figure 7 of Kodosky closely, and can find no mention of a flatfile at all. Note that claim 14 depends from claim 13, wherein the flatfile is introduced and defined. More specifically, claim 13 recites: **analyzing the graphical program for function dependencies to generate required modules; analyzing the graphical program to determine an execution sequence; and generating a flatfile based on the required modules and execution sequence, wherein the flatfile contains the functionality of the graphical program**. Thus, the flatfile of claim 14 is necessarily generated according to the method elements of claim 13, whose limitations are included in claim 14. Nowhere does Kodosky teach or suggest such a flatfile, nor generating a flatfile as claimed.

Thus, Kodosky fails to disclose the features and limitations of amended claim 14.

Nor does Kodosky disclose **the embedded sensor device processing the flatfile to generate an executable, wherein, in the embedded sensor device being operable to execute the graphical program to perform the specified function, the embedded sensor device is operable to execute the executable to perform the specified function**, as recited in amended claim 15.

Since claim 15 depends from claims 14 and 13, the above arguments presented with reference to claim 14 are similarly applicable to claim 15. Additionally, Applicant notes that cited Figure 11 in no way discloses an embedded sensor device processing a flatfile to generate an executable.

Thus, Kodosky also fails to teach or suggest the features and limitations of claim 15.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Removal of the section 103 rejection of claims 2-7, 9-12, 14-15, 17, 20-27, and 29-30 is respectfully requested.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-80501/JCH.

Also filed herewith are the following items:
☐ Request for Continued Examination
☐ Terminal Disclaimer
☐ Power of Attorney By Assignee and Revocation of Previous Powers
☐ Notice of Change of Address
☐ Other:

Respectfully submitted,

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